

UNITED STATES DISTRICT COURT
 Southern District COURT OF THE STATE OF NEW YORK
 COUNTY OF

MARIO VENTURA et al

— against —

Petitioner(s)
 Plaintiff(s)

Defendant(s)
 Respondent(s)

Attorney: *TRIF*

Return Date:

Index No. *08cv-02765*

Date Filed:

NEW YORK CITY TRANSIT AUTHORITY et al

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF *NASSAU* SS:

THE UNDERSIGNED DEPONENT BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY OF THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK..

That on *MARCH 18th*, 20*08* at *1:31 P*.M. at *130 LIVINGSTON ST, BROOKLYN, NY*

deponent served the within *SUMMONS IN A CIVIL ACTION, COMPLAINT INDIVIDUAL PRACTICES OF JUDGE LOUIS L. STANTON, INDIVIDUAL PRACTICES OF JUDGE THEODORE H. KATZ, INSTRUCTIONS FOR FILING AND ELECTRONIC CASE, GUIDELINES FOR ELECTRONIC CASE FILING, PROCEDURES FOR ELECTRONIC CASE FILING* upon witness/defendant/respondent (hereinafter called the recipient) therein named.

NEW YORK CITY TRANSIT AUTHORITY

INDIVIDUAL

☐ A

By Personally delivering to and leaving with said individual, and that he knew the person so served and described as recipient therein.

CORPORATION

☒ B

By delivering to and leaving with *ANGELINE INGRAM*

so served and authorized to accept service to be ☐ an officer ☐ director ☐ managing or general agent ☐ cashier ☐ assistant cashier and that he knew the person

☒ agent authorized by appointment or by law to receive service.

☐

Other pursuant to CPLR Section 311:

SUITABLE AGE PERSON

☐ C

By delivering thereat a true copy of each to

age and discretion. Said premises is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state. a person of suitable

AFFIXING TO DOOR, ETC.

☐ D

By affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called there

Deponent talked to

at said premises who stated that recipient ☐ lived ☐ worked there.

MAILING TO RESIDENCE USE WITH CorD

☐ E

Within 24 hours of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to recipient at recipient's last known residence, at and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient.

MAILING TO BUSINESS USE WITH CorD

☐ F

Within 24 hours of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to recipient at recipient's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient.

☐

RPAPL 735 An additional mailing by Certified Mail was made to the respondent at the premise sought to be recovered.

DESCRIPTION

☒ G

Deponent further states that he describes the person actually served as follows:

SEX	SKIN COLOR	HAIR COLOR	AGE (Approx.)	HEIGHT (Approx.)	WEIGHT (Approx.)
<i>FEMALE</i>	<i>BLACK</i>	<i>BLACK</i>	<i>45-50YRS</i>	<i>Sitting</i>	<i>160/165</i>

Other Identifying Features: *EYEGASSES*

WITNESS FEES

☐ H

\$ the authorizing traveling expenses and one day's witness fee:

☐ was paid (tendered) to the recipient
☐ was mailed to the witness with subpoena copy.

MILITARY SERVICE

☐ I

I asked the person spoken to whether defendant was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Defendant wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated.

Upon information and belief I aver that the defendant is not in the military service of New York State or of the United States as the term is defined in either the State or in the Federal statutes

Sworn to before me the *19th* day of *March*, 20*08*

DAWN AVELLINO
 NOTARY PUBLIC, State of New York
 No. 4879456
 Qualified In Nassau County
 Commission Expires March 23, 2011

John F. Barry
 JOHN F. BARRY
 License No. 798044

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT COURT OF THE STATE OF NEW YORK

COUNTY OF

MARIO VENTURA ET AL

— against —

Petitioner(s)
Plaintiff(s)Defendant(s)
Respondent(s)

Attorney: TRIEF

Return Date:

Index No. 08cv-62765

Date Filed:

NEW YORK City Transit Authority et AL

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NASSAU SS:

THE UNDERSIGNED DEPONENT BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY OF THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on MARCH 18th, 2008 at 1:31 P.M. at 130 LIVINGSTON ST, BROOKLYN, NY

deponent served the within SIMMONS IN A CIVIL ACTION COMPLAINT, INDIVIDUAL PRACTICES OF JUDGE LOUIS L. STANTON INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE THEODORE H. KATZ, INSTRUCTIONS FOR FILING AND ELECTRONIC CASE FILING, GUIDELINES FOR ELECTRONIC CASE FILING, PROCEDURES FOR ELECTRONIC CASE FILING witness/defendant/respondent (hereinafter called the recipient) therein named.

MTA NEW YORK City Transit

INDIVIDUAL

☐

By Personally delivering to and leaving with said individual, and that he knew the person so served and described as recipient therein.

CORPORATION

☒By delivering to and leaving with ANGELINE INGRAM and that he knew the person so served and authorized to accept service to be ☐ an officer ☐ director ☐ managing or general agent ☐ cashier ☐ assistant cashier☒ Agent authorized by appointment or by law to receive service.☐

Other pursuant to CPLR Section 311:

SUITABLE AGE PERSON

☐By delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state.

AFFIXING TO DOOR, ETC.

☐By affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called thereDeponent talked to at said premises who stated that recipient ☐ lived ☐ worked there.

MAILING TO RESIDENCE USE WITH CorD

☐

Within 24 hours of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to recipient at recipient's last known residence, at and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient.

MAILING TO BUSINESS USE WITH CorD

☐

Within 24 hours of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to recipient at recipient's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient.

☐

RPAPL 735 An additional mailing by Certified Mail was made to the respondent at the premise sought to be recovered.

DESCRIPTION

☒

Deponent further states that he describes the person actually served as follows:

SEX	SKIN COLOR	HAIR COLOR	AGE (Approx.)	HEIGHT (Approx.)	WEIGHT (Approx.)
FEMALE	BLACK	BLACK	45/50/YR	Sitting	160 lbs

Other Identifying Features:

EYES/HAIR

WITNESS FEES

☐

\$ the authorizing traveling expenses and one day's witness fee:

☐ was paid (tendered) to the recipient
☐ was mailed to the witness with subpoena copy.

MILITARY SERVICE

☐

I asked the person spoken to whether defendant was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Defendant wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated.

Upon information and belief I aver that the defendant is not in the military service of New York State or of the United States as the term is defined in either the State or in the Federal statutes.

Sworn to before me the 19th day of March, 2008DAWN AVELLINO
NOTARY PUBLIC, State of New York
No. 4879458
Qualified in Nassau County
Commission Expires March 23, 2011

P-2

(Notary Public)

JOHN F. BARRY
License No. 798044

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT COURT OF THE STATE OF NEW YORK
COUNTY OF

MARIO VENTURA et al

— against —

Petitioner(s)
Plaintiff(s)

Defendant(s)
Respondent(s)

Attorney: TRIF

Return Date:

Index No. 08 CV 02765

Date Filed:

New York City Transit Authority et al

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NASSAU SS:

THE UNDERSIGNED DEPONENT BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY OF THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on MARCH 18th, 2008 at 3:29 P.M. at 347 MADISON AVE, NY, NY

deponent served the within SUMMONS IN A CIVIL ACTION COMPLAINT INDIVIDUAL PRACTICES OF JUDGE LOUIS L. STANTON, INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE THEODORE H. KATZ INSTRUCTIONS FOR FILING AND ELECTRONIC CASE, GUIDELINES FOR ELECTRONIC CASE FILING, PROCEDURES FOR ELECTRONIC CASE FILING upon witness/defendant/respondent (hereinafter called the recipient) therein named.

METROPOLITAN TRANSIT AUTHORITY

INDIVIDUAL

☐

By Personally delivering to and leaving with said individual, and that he knew the person so served and described as recipient therein.

CORPORATION

☒

By delivering to and leaving with MYRNA ARCHER

and that he knew the person

so served and authorized to accept service to be ☐ an officer ☐ director ☐ managing or general agent ☐ cashier ☐ assistant cashier

☒ agent authorized by appointment or by law to receive service.

☐ Other pursuant to CPLR Section 311:

SUITABLE AGE PERSON

☐

By delivering thereat a true copy of each to age and discretion. Said premises is recipient's

☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state.

a person of suitable

AFFIXING TO DOOR, ETC.

☐

By affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called there

Deponent talked to

at said premises who stated that recipient ☐ lived ☐ worked there.

MAILING TO RESIDENCE USE WITH CoD

☐

Within 24 hours of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to recipient at recipient's last known residence, at and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient.

MAILING TO BUSINESS USE WITH CoD

☐

Within 24 hours of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to recipient at recipient's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient.

☐ RPAPL 735 An additional mailing by Certified Mail was made to the respondent at the premise sought to be recovered.

DESCRIPTION

☒

Deponent further states that he describes the person actually served as follows:

SEX	SKIN COLOR	HAIR COLOR	AGE (Approx.)	HEIGHT (Approx.)	WEIGHT (Approx.)
FEMALE	BROWN	BLACK	45-50/YR	5'9"	180 LBS

Other Identifying Features:

WITNESS FEES

☐

\$ the authorizing traveling expenses and one day's witness fee:

☐ was paid (tendered) to the recipient
☐ was mailed to the witness with subpoena copy.

MILITARY SERVICE

☐

I asked the person spoken to whether defendant was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Defendant wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated.

Upon information and belief I aver that the defendant is not in the military service of New York State or of the United States as the term is defined in either the State or in the Federal statutes

Sworn to before me the 19th day of March, 2009

DAWN AVELLINO
NOTARY PUBLIC, State of New York
No. 4879456
Qualified in Nassau County
Commission Expires March 23, 2011

JOHN F. BARRY
License No. 798044

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT COURT OF THE STATE OF NEW YORK
COUNTY OF

Attorney: TRAF

Return Date:

MARIO VENTURA et AND

Petitioner(s)
Plaintiff(s)

Index No. 08CV 02765

— against —

Date Filed:

Defendant(s)
Respondent(s)

New York City Transit Authority et AL

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NASSAU SS:

THE UNDERSIGNED DEPONENT BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY OF THIS ACTION
AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on MARCH 18th, 2008 at 1:55P.M. at 2 BROADWAY, 84TH FLOOR, NY NY

deponent served the within SYMPOSIUM IN A CIVIL ACTION COMPLAINT INDIVIDUAL PRACTICES OF JUDGE LOUIS
L. STANTIN INDIVIDUAL PRACTICES OF ADMINISTRATOR THOMAS H. KATZ, INSTRUCTION FOR FILING AN
ELECTRONIC CASE, GUIDELINES FOR ELECTRONIC CASE FILING PROCEDURES FOR ELECTRONIC FILING
witness defendant/respondent (hereinafter called the recipient) therein named.

MTA CAPITAL CONSTRUCTION COMPANY

INDIVIDUAL

A ☐

By Personally delivering to and leaving with said individual, and that he knew the person so served and described as recipient therein.

CORPORATION

B ☒

By delivering to and leaving with
so served and authorized to accept service to be ☐ an officer ☐ director ☐ managing or general agent ☐ cashier ☐ assistant cashier
☒ Agent authorized by appointment or by law to receive service.

and that he knew the person

☐

Other pursuant to CPLR Section 311:

SUITABLE
AGE PERSONC ☐

By delivering thereat a true copy of each to
age and discretion. Said premises is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state.

a person of suitable

AFFIXING TO
DOOR, ETC.D ☐

By affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode
within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called there

Deponent talked to

at said premises who stated that recipient ☐ lived ☐ worked there.MAILING TO
RESIDENCE
USE WITH CofDE ☐

Within 24 hours of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to recipient at recipient's
last known residence, at
and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope
bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from
an attorney or concerned an action against the recipient.

MAILING TO
BUSINESS
USE WITH CofDF ☐

Within 24 hours of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to recipient at recipient's
actual place of business, at
in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and
Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action
against the recipient.

☐

RPAPL 735 An additional mailing by Certified Mail was made to the respondent at the premise sought to be recovered.

DESCRIPTION

G ☒

Deponent further states that he describes the person actually served as follows:

SEX	SKIN COLOR	HAIR COLOR	AGE (Approx.)	HEIGHT (Approx.)	WEIGHT (Approx.)
FEMALE	White	Brown	45-50 YRS	5'6"	140 lbs

Other Identifying Features: EYES/ASSETS

WITNESS
FEESH ☐

\$ the authorizing traveling expenses and one day's witness fee:

☐ was paid (tendered) to the recipient
☐ was mailed to the witness with subpoena copy.

MILITARY
SERVICEI ☐

I asked the person spoken to
whether defendant was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Defendant
wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations
above narrated.

Upon information and belief I aver that the defendant is not in the military service of New York State or of the United States as the term is defined in either
the State or in the Federal statutes

Sworn to before me the 19th day of March, 2008

Dawn Avellino
(Notary Public)

DAWN AVELLINO
NOTARY PUBLIC, State of New York
No. 4879456
Qualified in Nassau County
Commission Expires March 23, 2011

John F. Barry
JOHN F. BARRY
License No. 798044

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT COURT OF THE STATE OF NEW YORK

Attorney: TRIEF

COUNTY OF

MARIO VENTURA ET AL

Petitioner(s)
Plaintiff(s)

Return Date:

Index No. 08CV02765

— against —

Date Filed:

Defendant(s)
Respondent(s)

NEW YORK CITY TRANSIT AUTHORITY ET AL

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NASSAU SS:

THE UNDERSIGNED DEPONENT BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY OF THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK. OFFICE OF CORPORATION COUNSEL

That on MARCH 18th, 2008 at 1:05P M. at 100 Church St 4th Floor, NY, NY

deponent served the within SUMMONS IN A CIVIL ACTION COMPLAINT, INDIVIDUAL PRACTICE OF JUNE LOUIS L. STANTON, INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE THOMAS H. KATZ, INSTRUCTIONS FOR FILING AND ELECTRONIC CASE GUIDELINES FOR ELECTRONIC CASE FILING, AND PROCEDURES FOR ELECTRONIC CASE FILING witness/defendant/respondent (hereinafter called the recipient) therein named.

THE CITY OF NEW YORK

INDIVIDUAL

☐

By Personally delivering to and leaving with said individual, and that he knew the person so served and described as recipient therein.

CORPORATION

☒

By delivering to and leaving with TAMEIRA MENDES GAMMON and that he knew the person so served and authorized to accept service to be ☐ an officer ☐ director ☐ managing or general agent ☐ cashier ☐ assistant cashier ☒ Agent authorized by appointment or by law to receive service.

Other pursuant to CPLR Section 311:

SUITABLE AGE PERSON

☐

By delivering thereat a true copy of each to age and discretion. Said premises is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state. a person of suitable

AFFIXING TO DOOR, ETC.

☐

By affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called there

Deponent talked to ☐ at said premises who stated that recipient ☐ lived ☐ worked there.

MAILING TO RESIDENCE USE WITH CoD

☐

Within 24 hours of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to recipient at recipient's last known residence, at and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient.

MAILING TO BUSINESS USE WITH CoD

☐

Within 24 hours of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to recipient at recipient's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient.

☐ RPAPL 735 An additional mailing by Certified Mail was made to the respondent at the premise sought to be recovered.

DESCRIPTION

☒

Deponent further states that he describes the person actually served as follows:

SEX	SKIN COLOR	HAIR COLOR	AGE (Approx.)	HEIGHT (Approx.)	WEIGHT (Approx.)
<u>FEMALE</u>	<u>BROWN</u>	<u>BLACK</u>	<u>30-35YRS</u>	<u>5'7"</u>	<u>130/lbs</u>

Other Identifying Features:

WITNESS FEES

☐

\$ the authorizing traveling expenses and one day's witness fee: ☐ was paid (tendered) to the recipient ☐ was mailed to the witness with subpoena copy.

MILITARY SERVICE

☐

I asked the person spoken to whether defendant was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Defendant wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the defendant is not in the military service of New York State or of the United States as the term is defined in either the State or in the Federal statutes

Sworn to before me the 19th day of March, 2008

DAWN AVELLINO
NOTARY PUBLIC, State of New York
No. 4879456
Qualified in Nassau County
Commission Expires March 23, 2011

John F. Barry
JOHN F. BARRY
License No. 798044